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Man, 71, Is Ordered To Reply to Charge Of Serving the Nazis

SACRAMENTO, Calif., July 28 (AP) — An ailing 71-year-old man who says he worked for United States intelligence in World War II has been given until Aug. 10 to respond to charges that he was a Nazi SS captain who lied to gain United States citizenship, the authorities said today.

In addition, a judge has ordered the man's response sealed, an unusual move taken because the case involves "the potential of some classified information," United States Attorney William Shubb said.

Otto Albrecht Alfred von Bolschwing has been accused in a three-part civil complaint of hiding his membership in the Nazi Party and the SS, the party's elite guard, when he obtained United States citizenship 22 years ago.

Mr. von Bolschwing has said he "never served" in the SS or Gestapo or S.D., the SS intelligence and security arm, but that he served in the United States Office of Strategic Services and parachuted into Austria.

He faces deportation if a judge determines that he lied on his citizenship application.

Mr. Shubb said that yesterday was the original deadline for Mr. von Bolschwing to respond to the complaint, which was issued May 27.

But he said that Federal District Judge Milton Schwartz had granted an extension to Aug. 10 and ordered Mr. von Bolschwing's response sealed.

Judge Schwartz was not available for comment.

Mr. von Bolschwing's wife, Agnes, 73, said that several Federal agents, including a Justice Department official and two Central Intelligence Agency officers, discussed their interest in her husband at a meeting in February. She said that her husband's son, Gus, was present. But the officials told her that the case "was all settled," she said in a May interview.

Son Cites Work for U.S.

Gus von Bolschwing, a San Francisco lawyer, said yesterday that his father "acted on behalf of the United States before the war was over, and the United States has known of his activities."

He also said that his father was imprisoned and tortured at Gestapo headquarters in Berlin from August 1942 through April 1943.

The Government contends that Mr. von Bolschwing joined the SS in 1940 and rose to the rank of captain within a year.